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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,957	01/13/2004	Durga P. Malladi	030224	4816
23596 7590 07/27/2009 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121				
EXAMINER				
HUYNH, NAM TRUNG				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
07/27/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

kascanla@qualcomm.com

namn@qualcomm.com

### Office Action Summary

**Application No.**

10/756,957

**Applicant(s)**

MALLADI ET AL.

**Examiner**

NAM HUYNH

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-16, 23-27 and 34-44 is/are rejected.
- 7) ☒ Claim(s) 6-11, 17-22 and 28-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/22/09
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 4/21/09. No amendments were made to previously presented claims 1-43 and claim 44 has been added.

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 6/22/09 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-5, 12-16, 23-27, and 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 2003/0050086) (hereinafter Lee) in view of Amrani et al. (WO 02/37693) (hereinafter Amrani).

Regarding claims 1, 12, 23, 34, and 39, Lee discloses a method of adjusting a signal power in a variable data rate mode in a mobile communications system (title). In the scope of the invention, a mobile station and base station transmit packet data on a reverse link packet data channel (R-PDCH) (burst oriented channel) and a reverse rate indicator channel (RRI) (rate indicator channel) (page 3, paragraph 62, 66). Lee teaches that the base station decodes the RRI channel (paragraph 154) and measures the quality of the reverse link channel (paragraph 161), but does not explicitly disclose determining the presence of a packet on the rate indicator channel based on a likelihood generated by a maximum likelihood decoder that decodes the rate indicator channel. Amrani discloses reliable detection of a transport format identifier in a transport format identification field of a digital communication system. Amrani teaches that a control field decoder performs soft decoding to make maximum likelihood calculations (maximum likelihood decoder) to detect the presence of the Transport Format Combination Indicator Field (TFCI) (page 7, lines 8-11, 15-18; page 11, lines 11-12). Amrani thus teaches determining the presence of a packet because the control field decoder detects the presence of the TFCI which renders a packet. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lee to incorporate a control field decoder for detecting the presence of a packet, as taught by Amrani, in order to allow the base station to

ensure the integrity of received frames by being able to identify and correct errors that are well beyond the scope of hard decoding.

Regarding claims 2, 13, 24, 35, and 40, Amrani teaches determining the presence of a packet is performed at predetermined intervals (page 5, lines 6-19).

Regarding claims 3, 14, 25, 36, and 41, Amrani teaches the interval is a subframe interval (page 5, lines 6-19).

Regarding claims 4, 15, 26, 37, and 42, Amrani teaches determining the validity of a frame (page 5, lines 6-19).

Regarding claims 5, 16, 27, 38, and 43, Amrani teaches determining the validity of a frame comprises analyzing the packet if the packet is detected (page 5, lines 6-19).

Regarding claim 44, Amrani teaches the packet does not include cyclical redundancy check (CRC) bits (page 7, lines 8-11, 15-18; page 11, lines 11-12).

#### ***Allowable Subject Matter***

5. Claims 6-11, 17-22, and 28-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/  
Supervisory Patent Examiner, Art Unit 2617

/Nam Huynh/  
Examiner, Art Unit 2617